

Amendments to House Joint Resolution No. 5  
1st Reading Copy

Requested by Representative Jerry O'Neil

For the House Judiciary Committee

Prepared by Julianne Burkhardt  
January 25, 2013 (7:25am)

1. Title, page 1, line 7.

**Following:** "STATES"

**Insert:** "BY CLARIFYING THAT TREATIES MUST COMPLY WITH THE CONSTITUTION AND DO NOT TAKE EFFECT UNTIL RATIFICATION BY THE SENATE"

2. Page 1, lines 9 through 11.

**Strike:** line 9 through line 11 in their entirety

**Insert:** "WHEREAS, Article V of the United States Constitution provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the United States Constitution upon application of two-thirds of the legislatures of the several states, which is also known as an amendments convention; and WHEREAS, the Montana Legislature favors the proposal and ratification of an amendment to the United States Constitution clarifying that although the United States Constitution grants to the President of the United States the power "to make Treaties, provided two-thirds of the Senators present concur", proposed treaties signed by the President must comply with the Constitution and do not become, nor act as, law until ratification by the Senate."

3. Page 1, lines 15 through line 29.

**Strike:** line 15 through line 29 in their entirety

**Insert:** "That the Legislature of the State of Montana respectfully applies for an amendments convention to the United States Constitution to be called for the purpose of proposing an amendment to the United States Constitution clarifying that treaties must comply with the Constitution and do not become law until ratification by the Senate."

BE IT FURTHER RESOLVED, that the amendments convention contemplated by this application must be focused entirely upon and exclusively limited to the subject matter of proposing for ratification an amendment to the United States Constitution clarifying that treaties must comply with the Constitution and do not become law until ratification by the Senate.

BE IT FURTHER RESOLVED, that this application constitutes a continuing application in accordance with Article V of the United

States Constitution until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

BE IT FURTHER RESOLVED that the Secretary of State forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Senate, the Clerk of the House of Representatives, each member of the Montana Congressional Delegation, and the Secretary of State for each state to forward to each state legislature."

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